

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Janet Duke, on behalf of herself and all others similarly situated,

Plaintiffs,

v.

Luxottica U.S. Holdings Corp., Oakley, Inc., Luxottica Group ERISA Plans Compliance & Investment Committee, and Luxottica Group Pension Plan,

Defendants.

Case No. 1:21-cv-06072-JMA-AYS

[PROPOSED] ORDER

Before the Court is Defendants Luxottica U.S. Holdings Corp., Oakley, Inc., Luxottica Group ERISA Plans Compliance & Investment Committee, and Luxottica Group Pension Plan's Motion to Compel Arbitration, or in the Alternative, Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure ("Rule") 12(b)(1) and 12(b)(6). Specifically, Defendants seek to compel Plaintiff's claims to individual arbitration and to stay this matter pending the outcome of that arbitration. In the alternative, Defendants seek dismissal of Plaintiff's claims under Rule 12(b)(1) for lack of Article III constitutional standing and Rule 12(b)(6) for failure to state a claim.

[The Court grants Defendants' motion to compel Plaintiff's claims to individual arbitration. This matter is stayed pending the outcome of that arbitration.]

[The Court grants Defendants' motion to dismiss Plaintiff's claims under Rule 12(b)(1) and/or Rule 12(b)(6). Plaintiff's claims are dismissed in their entirety with prejudice.]

Dated: _____

SO ORDERED:

Joan M. Azrack
United States District Judge